

EXHIBIT I

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,)
Plaintiff,)
vs.) Case No.
UBER TECHNOLOGIES, INC.;) 17-cv-00939-WHA
OTTOMOTTO, LLC; OTTO TRUCKING LLC,)
Defendants.)
_____)

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VIDEOTAPED DEPOSITION OF ERIC FRIEDBERG

New York, New York

Thursday, September 28, 2017

Volume I

Reported by:

DANIELLE GRANT

Job No. 2714978

PAGES 1 - 304

Page 1

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1 to know for the purposes of my -- doing my 11:47:34
2 investigation. So that's why there's not a 11:47:38
3 lot of discussions about these things. But 11:47:41
4 it appeared that, you know, Uber was trying 11:47:43
5 in my view to conduct a good faith 11:47:52
6 investigation, an independent investigation, 11:47:56
7 and get independent validation that all the 11:47:58
8 diligence employees were not bringing Google 11:48:05
9 confidential information or -- with them. 11:48:13
10 And wanted to get a sense of their litigation 11:48:16
11 exposure with respect to people moving from 11:48:24
12 Google to Ottomotto and then Uber. And my 11:48:30
13 understanding, or assumption, was that Uber 11:48:34
14 was not going to proceed with the transaction 11:48:39
15 unless the individuals cooperated in the 11:48:44
16 venture, in the investigation. 11:48:50
17 Q So your testimony is you 11:48:56
18 believe that the diligence employees 11:48:58
19 cooperated in the process because Uber would 11:49:02
20 not have proceeded with the transaction 11:49:05
21 unless they did so; is that correct? 11:49:07
22 MS. BLUNSCHI: Object to the 11:49:11
23 form. He already said it's his 11:49:11
24 speculation. 11:49:15
25 MR. TAKASHIMA: Objection. 11:49:16

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1 MR. TAKASHIMA: Objection to 12:55:58
2 form. 12:56:00
3 A I don't know if I would put it 12:56:07
4 that they were different priorities. I mean, 12:56:08
5 we had a very large task ahead of us, which 12:56:11
6 was to sort out and sort through the 35,000 12:56:15
7 or so documents. And that was very, very 12:56:20
8 labor intensive. So I think if we had not 12:56:23
9 been asked to do the very deep forensics in 12:56:28
10 certain areas and to focus on, I think it was 12:56:31
11 really sort of the last access analysis, the 12:56:35
12 Shred Works analysis and other things, we 12:56:39
13 would have used that time to do further 12:56:42
14 document review. But it's not really our 12:56:47
15 priority. It's really for, you know, they 12:56:53
16 wanted to have some guidance as they were 12:56:56
17 moving towards that April date on the issues 12:56:59
18 subject to the interim reporting, so we 12:57:02
19 responded accordingly. 12:57:05
20 Q Did you believe that the 12:57:08
21 clients were more interested in minimizing 12:57:10
22 the issues that you had identified than they 12:57:13
23 were in discovering new issues during the 12:57:18
24 pre-acquisition investigation? 12:57:22
25 A Oh, no, not at all. It wasn't 12:57:23

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1 that at all. I think that, you know, the 12:57:24
2 issues that we raised were quite important, 12:57:26
3 and went to the heart of their issue -- the 12:57:31
4 heart of what they were asking us to 12:57:34
5 investigate. And the things that they asked 12:57:40
6 us to do really helped them and us run to 12:57:46
7 ground, to a more granular level, some of 12:57:55
8 those issues which they thought that were 12:57:59
9 key. But I would say, by the way, that those 12:58:01
10 things that they focused on were two of the 12:58:04
11 more central issues of the -- that were 12:58:08
12 surfaced by the investigation. 12:58:10
13 Q People on your team were 12:58:13
14 concerned that the interim reporting was 12:58:14
15 compromising, quote, integrity of your 12:58:17
16 review, weren't they? 12:58:21
17 MS. BLUNSCHI: Objection to 12:58:23
18 form. 12:58:23
19 MR. TAKASHIMA: Objection to 12:58:24
20 form. 12:58:24
21 A I've seen one e-mail regarding 12:58:25
22 that. I completely disagree with that. I 12:58:25
23 don't know why that was phrased that way. I 12:58:29
24 had no concern about that, but I know Mary -- 12:58:32
25 you can see from my response in that e-mail, 12:58:33

Page 115

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1 don't know what he meant by that. 03:57:01

2 Q Was Mr. Gardner in any way 03:57:09

3 trying to minimize the findings of this 03:57:13

4 self-identified report to make it more likely 03:57:17

5 that the acquisition of Ottomotto by Uber 03:57:22

6 would go forward? 03:57:30

7 MS. BLUNSCHI: Object to the 03:57:32

8 form. 03:57:32

9 A I have no idea what was in his 03:57:33

10 mind. 03:57:35

11 Q Did you ever -- I'm sorry, 03:57:37

12 were you done with your response? 03:57:38

13 A Yeah. 03:57:40

14 Q Did you ever get the sense 03:57:40

15 that either Mr. Gardner or outside counsel 03:57:42

16 for Morrison and Foerster and O'Melvney were 03:57:46

17 trying to minimize or isolate things that you 03:57:53

18 were finding so that they wouldn't raise 03:57:58

19 alarms with Uber or Ottomotto? 03:58:04

20 A I found the exact opposite 03:58:10

21 with respect to Uber and Ottomotto, that they 03:58:13

22 were interested in having a robust 03:58:16

23 independent investigation. The budget 03:58:20

24 mushroomed as more and more documents were 03:58:24

25 found, and the documents were hard to handle, 03:58:29

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1 and they supported that investigation without 03:58:32
2 any real serious push-back. So I didn't find 03:58:39
3 that to be the case. I found that they were 03:58:47
4 supportive of a robust investigation, we 03:58:50
5 conducted a robust investigation, and I 03:58:53
6 didn't feel like they were looking for 03:58:55
7 predetermined results or answers. 03:58:59

8 Q If you go forward to the page 03:59:10
9 ending on Bates 314636. 03:59:12

10 A 314636? 03:59:14

11 Q Correct. 03:59:22

12 A Yes. 03:59:23

13 Q The bottom of the page, there 03:59:23
14 is an e-mail from Eric Tate? 03:59:24

15 A Okay. 03:59:35

16 Q I want to look at the third 03:59:35
17 sentence beginning with "specifically." He 03:59:38
18 says, "Specifically, as there is uncertainty 03:59:41
19 as to whether the last access activity was 03:59:43
20 user- or system-initiated, Stroz should just 03:59:46
21 academic AL if he initiated the access to 03:59:51
22 those files." Do you see that? 03:59:53

23 A Yes. 03:59:56

24 Q Do you know if that 03:59:57
25 conversation with Mr. Levandowski ever 03:59:58

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CERTIFICATE

STATE OF NEW YORK)

) ss:

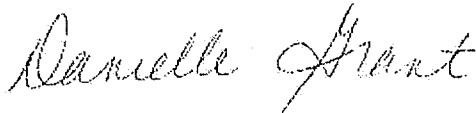
COUNTY OF RICHMOND)

I, DANIELLE GRANT, a Certified Shorthand Reporter, and Notary Public within and for the State of New York, do hereby certify:

That ERIC FRIEDBERG, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 2nd day of October, 2017.



DANIELLE GRANT